

HOUSE BILL 981

C8, O3, E4

11r0436

By: **Delegates Gilchrist, Glenn, Hucker, and Lafferty**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Housing – Maryland Building Performance Standards – Accessibility**
3 **Standards**

4 FOR the purpose of altering a certain prohibition on the Department of Housing and
5 Community Development against adopting, as part of the Maryland Building
6 Performance Standards, a modification that is more stringent than a certain
7 building code; requiring the Department to adopt as a modification of the
8 Maryland Building Performance Standards a requirement that a single family
9 dwelling unit in a development have at least one entrance that meets certain
10 accessibility standards under certain circumstances; providing for the
11 application of this Act; defining a certain term; and generally relating to
12 accessibility standards for single family dwelling units.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 12–503
16 Annotated Code of Maryland
17 (2003 Volume and 2010 Supplement)

18 BY adding to
19 Article – Public Safety
20 Section 12–503.1
21 Annotated Code of Maryland
22 (2003 Volume and 2010 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Public Safety**

26 12–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Department shall adopt by regulation, as the Maryland
2 Building Performance Standards, the International Building Code, including the
3 International Energy Conservation Code, with the modifications incorporated by the
4 Department under subsection (b) of this section.

5 (2) The Department shall adopt each subsequent version of the
6 Standards within 12 months after it is issued.

7 (b) (1) Before adopting each version of the Standards, the Department
8 shall:

9 (i) review the International Building Code to determine
10 whether modifications should be incorporated in the Standards;

11 (ii) consider changes to the International Building Code to
12 enhance energy conservation and efficiency;

13 (iii) accept written comments;

14 (iv) consider any comments received; and

15 (v) hold a public hearing on each proposed modification.

16 (2) (i) Except as provided in subparagraph (ii) of this paragraph
17 **AND § 12-503.1 OF THIS SUBTITLE**, the Department may not adopt, as part of the
18 Standards, a modification of a building code requirement that is more stringent than
19 the requirement in the International Building Code.

20 (ii) The Department may adopt energy conservation
21 requirements that are more stringent than the requirements in the International
22 Energy Conservation Code, but may not adopt energy conservation requirements that
23 are less stringent than the requirements in the International Energy Conservation
24 Code.

25 (c) The Standards apply to each building or structure in the State for which
26 a building permit application is received by a local jurisdiction on or after August 1,
27 1995.

28 **12-503.1.**

29 (A) IN THIS SECTION, "DEVELOPMENT" MEANS A PLANNED
30 RESIDENTIAL COMMUNITY THAT INCLUDES SINGLE FAMILY DWELLING UNITS.

31 (B) (1) THIS SECTION DOES NOT APPLY TO A SINGLE FAMILY
32 DWELLING UNIT:

1 (I) THAT IS LOCATED ABOVE ANOTHER SINGLE FAMILY
2 DWELLING UNIT;

3 (II) THAT IS AN ATTACHED SINGLE FAMILY DWELLING UNIT:

4 1. WITH A WIDTH OF LESS THAN 18 FEET; OR

5 2. THAT DOES NOT HAVE ON THE GROUND FLOOR
6 EITHER A BATHROOM OR A KITCHEN;

7 (III) THAT DOES NOT HAVE A GARAGE AND THE SLOPE
8 BETWEEN THE FINISH GROUND LEVEL AT ALL DWELLING UNIT ENTRANCES TO
9 THE NEAREST POINT ALONG A PROPERTY LINE THAT BORDERS A PUBLIC
10 RIGHT-OF-WAY IS GREATER THAN 10%; OR

11 (IV) IN WHICH COMPLIANCE WITH THE DESIGN FLOOD
12 ELEVATION RESTRICTIONS WILL CAUSE:

13 1. THE FINISH FLOOR TO BE MORE THAN 30 INCHES
14 ABOVE THE FINISH GROUND LEVEL AT ALL DWELLING UNIT ENTRANCES; OR

15 2. THE SLOPE BETWEEN THE FINISH FLOOR AT ALL
16 DWELLING UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY LINE
17 THAT BORDERS A PUBLIC RIGHT-OF-WAY TO BE GREATER THAN 10%.

18 (2) (I) THIS SECTION DOES NOT APPLY TO A DEVELOPMENT OF
19 FIVE OR FEWER SINGLE FAMILY DWELLING UNITS.

20 (II) IN A DEVELOPMENT OF SIX OR MORE SINGLE FAMILY
21 DWELLING UNITS, THIS SECTION SHALL APPLY TO AT LEAST 50% OF THE
22 DWELLING UNITS.

23 (C) THE DEPARTMENT SHALL ADOPT AS A MODIFICATION OF THE
24 STANDARDS A REQUIREMENT THAT A SINGLE FAMILY DWELLING UNIT IN A
25 DEVELOPMENT HAVE AT LEAST ONE ENTRANCE THAT:

26 (1) HAS LANDINGS AND FLOORS THAT ARE NOT MORE THAN ONE
27 AND ONE-HALF INCHES LOWER THAN THE TOP OF THE DOOR THRESHOLD OF
28 THE ENTRANCE; AND

29 (2) HAS A CIRCULATION ROUTE FROM THE ENTRANCE TO A
30 GARAGE, PARKING SPACE, OR PUBLIC RIGHT-OF-WAY THAT IS FREE OF ANY
31 VERTICAL CHANGES IN LEVEL THAT ARE MORE THAN ONE-HALF INCH.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may be applied only to any newly
3 constructed single family dwelling unit in a development for which a building permit
4 is issued on or after October 1, 2014.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2011.